



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Dianne Cooper
File: B-229618
Date: February 8, 1988

DIGEST

Since small purchases do not require maximum competition, the General Accounting Office (GAO) will review a contracting agency's approach to defining the field of competition for cleaning of military family housing units only in a case of fraud or intentional misconduct, or where it appears that there has not been a reasonable effort to secure price quotations from a representative number of responsible firms.

DECISION

Dianne Cooper protests three purchase order awards, dated October 1, 19, and 29, 1987, for the cleaning of military family housing units, made by the United States Air Force, Vandenberg Air Force Base, under small purchase procedures. Ms. Cooper claims that she and 22 other approved sources for the service were wrongfully excluded from being solicited for these purchases, based on the fact that they had residence addresses within the military family housing area. We deny the protest.

Prior to October 1, 1987, family housing occupants were individually responsible for cleaning military family housing units upon their departure. As of October 1, 1987, pursuant to a Department of Defense directive, this responsibility was shifted from the family housing tenants to the Air Force, and the service was to be paid for through the use of appropriated funds. Since urgent contracting support was required, the contracting officer obtained the list of approved quarters cleaners that had been kept at the Vandenberg Base Housing Office. Twenty-three of the 30 sources on the list had a military family housing area address. The Air Force report in response to the protest states that because of concerns about compliance with

041276

Federal Acquisition Regulation (FAR) § 3.601 (which mandates that a contracting officer may not award a contract to a government employee, or a business owned or substantially controlled by a government employee) and the possibility of a conflict of interest, it was concluded that only contractors carrying nonmilitary housing addresses would be orally solicited for currently existing requirements.

Oral quotes were solicited from three prospective contractors for the first requirement, and three written quotes were timely received. Purchase Order No. F0468488M7077, in the amount of \$3,775, was awarded on October 1, 1987, for the cleaning of 25 houses. Additional housing units were identified as requiring cleaning in mid-October, and the same three sources were solicited. Purchase Order No. F0468488M7099, in the amount of \$3,421, was awarded on October 19, 1987, for the cleaning of 20 houses. The requirements for the month of November were bid upon by the same three offerors, and Purchase Order No. F0468488M7123, in the amount of \$6,350, was awarded on October 29, 1987, for the cleaning of 38 houses.

Ms. Cooper is a military dependent who lives in base housing. According to her protest, she had in the past privately contracted with departing military personnel to clean individual quarters, and she had also contracted directly with the Base Contracting Division to provide the same service. Ms. Cooper was one of the names on the list of approved quarters cleaners who was not solicited for the purchase orders at issue. On September 28, 1987, Ms. Cooper became aware that quotations were being accepted to clean a block of houses, and she telephoned the base contracting office. The contracting officer informed the protester that she was not going to be solicited, and he explained the Air Force's position.


Since small purchases do not require maximum competition, GAO will review a contracting agency's approach to defining the field of competition only in a case of fraud or intentional misconduct, or where it appears that there has not been a reasonable effort to secure price quotations from a representative number of responsible firms. R.E. White & Associates, Inc., B-205489, Apr. 1, 1982, 82-1 CPD ¶ 294. We limit our consideration of these types of protests because the small purchase procedures, which are designed to minimize the administrative cost that otherwise might be the equivalent of or exceed the cost of acquiring relatively inexpensive items, permit purchases without the need to maximize competition, in contrast to other procurements. The contracting officer need only solicit quotations from a reasonable number of potential sources, judge the advantages and disadvantages of particular products in relation to the

prices quoted, and determine in good faith which quotation will best meet the government's needs. R.E. White & Associates, Inc., B-205489, supra; Security Assistance Forces & Equipment OHG, B-195830, Feb. 8, 1980, 80-1 CPD ¶ 114. In addition, FAR § 13.106 (b)(5) states that generally solicitation of at least three sources may be considered to promote competition to the maximum extent practicable.

We find no evidence that the contracting officer's action with regard to defining the field of competition in these solicitations was taken in other than good faith. In light of the urgency of the contracting situation and the relatively small dollar value of the proposed purchase orders, the contracting officer made a reasonable, discretionary decision to reduce the number of potential quotations and not to solicit offers from all of the 30 sources on the list. This is not a case of fraud or intentional misconduct on the part of the contracting agency. Moreover, the procuring activity made a reasonable effort to secure price quotations from a representative number of responsible firms as anticipated by small purchase regulations, since bids were received from three offerors.

We would note that there is no regulation precluding the protester from requesting that her name be placed on the Vandenberg Air Force Base Bidders' Mailing List. However, we do not decide the issue of whether Ms. Cooper's business is owned, substantially owned or controlled by her husband, a member of the military, in which case the protester would be disqualified from receiving an award. See FAR § 3.601.

Accordingly, the protest is denied.


James F. Hinchman
General Counsel